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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
LE, NHAN T	

ART UNIT	PAPER NUMBER
2618	

DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/029,972	SEPPALA ET AL.	
	Examiner	Art Unit	
	Nhan T. Le	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 July 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *18-35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *18-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 18, 23, 27, 28, 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tajima et al (US 6,526,284) in view of Sharp et al (US 6,526,284).

As to claim 18, Tajima teaches a device comprising a broadband radio signal receiver (see fig. 5, number 31, col. 4, lines 36-67, col. 5, lines 1-13), the device receiving messages with receiver (see col. 3, lines 57-67, col. 4, lines 1-11), storage for storing different kind of applications (see col. 4, lines 36-67, col. 5, lines 1-13), a radio channel memory for storing a radio different kind of application settings (see col. 4, lines 36-67, col. 5, lines 1-13), wherein the received signal is FM signals and storing a plurality of radio channel settings (see col. 4, lines 36-67, col. 5, lines 1-13). Tajima fails to teach wherein the receiver for receiving messages transmitted via a mobile network. Sharp teaches the mobile receiver for receiving messages transmitted via a mobile network (see col. 8, lines 1-24, col. 10, lines 57-67, col. 11, lines 1-13). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Sharp into the system of Tajima in order to provide a quick communication feature for the mobile users.

As to claim 23, the combination of Tajima and Sharp further teaches a mobile phone, wherein the radio channel setting in the message comprises a radio channel frequency (see col. 4, lines 36-67, col. 5, lines 1-13).

As to claim 27, the claim is rejected as stated in claim 18.

As to claim 28, the claim is rejected as stated in claim 23.

As to claim 35, the claim is rejected as stated in claim 23.

2. Claims 19, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tajima et al (US 6,526,284) in view of Sharp et al (US 6,526,284), Konisi et al (US 6,181,921) further in view of Kim (US 6,597,918).

As to claims 19, 24, the combination of Tajima, Sharp and Konisi fails to teach a mobile phone, further comprising a detector for detecting that a message contains a radio channel setting, wherein the detector determines a type of content of the message from a data header of the message. Kim teaches a detector for detecting the received message, wherein the detector determines a type of content of the message from a data header of the message (see col. 4, lines 20-35). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Kim into the system of Tajima, Sharp and Konisi in order to detect the new incoming messages based on the header of the received messages.

3. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tajima et al (US 6,526,284) in view of Sharp et al (US 6,526,284), Konisi et al (US 6,181,921), Kim (US 6,597,918) further in view of Gupte et al (US 2002/0055350)

As to claim 20, the combination of Tajima, Sharp, Konisi and Kim fails

to teach a mobile phone wherein a menu of user interface is activated when a message is received, the menu prompting the user to choose either to listen, to save, view details or discard the received radio channel setting. Gupte teaches that the users can select from the menu either to listen, to save, view details or discard the received message (see page 3, paragraph 0030). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Gupte into the system of Tajima, Sharp, Konisi and Kim in order to provide users with more useful features.

4. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tajima et al (US 6,526,284) in view of Sharp et al (US 6,526,284), Konisi et al (US 6,181,921), Kim (US 6,597,918), Gupte et al (US 2002/0055350) further in view of Cummings-Hill et al (US 6,470,178).

As to claim 21, the combination of Tajima, Sharp, Konisi, Kim and Gupte fails to teach a mobile phone wherein a further menu of user interface is activated when the user has chosen to save the radio channel setting, further menu requesting the user to select one of the channel location numbers of the radio channel memory. Cummings teaches pushbuttons are employed to select programmed information saved in the memory (see col. 3, lines 25-36). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Cummings into the system of Tajima, Sharp, Konisi, Kim, and Gupte so that users can retrieve stored information more easily.

5. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tajima et al (US 6,526,284) in view of Sharp et al (US 6,526,284), Konisi et al (US 6,181,921) further in view of Park (US 6,408,188).

As to claim 22, the combination of Tajima, Sharp and Konisi fails to teach a mobile phone, further comprising a transmitter which sends a message containing a radio channel setting. Park teaches a transmitter which sends a message to multiple receivers (see col. 2, lines 26-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Park into the system of Tajima, Sharp and Konisi so that the signals from the signal processor can be modulated into the radio signals.

6. Claims 25, 31, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tajima et al (US 6,526,284) in view of Sharp et al (US 6,526,284), Konisi et al (US 6,181,921) further in view of Villa-Real (US 4,481,382).

As to claim 25, the combination of Tajima, Sharp and Konisi teaches a mobile phone, comprising a receiver which receives a message containing radio channel frequency. The combination of Tajima, Konisi and Sharp fails to teach a time and date of a radio program and a control which activates the broadband AM and/or FM radio signal receiver and tunes a radio signal receiver to receive channel when time and date of the receive radio program has been reached. Villa-Real teaches time and date of a radio program and a control which activates the broadband AM and/or FM radio signal receiver and tunes a radio signal receiver to receive channel when time and date of the receive radio program has been reached (see col. 9, lines 46-68, col. 10, lines 1-53).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Villa-Real into the system of Applicant's admitted prior art, Konisi and Sharp in order to provide better services to the users.

As to claims 31, 32, the claims are rejected as stated in claim 25.

7. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tajima et al (US 6,526,284) in view of Sharp et al (US 6,526,284).

As to claim 26, Tajima teaches a method of updating radio channel setting of mobile phone having a broadband AM/FM radio receiver (see fig. 5, number 31, col. 4, lines 36-67, col. 5, lines 1-13), by sending a message containing radio channel setting to the mobile phone (see col. 3, lines 57-67, col. 4, lines 1-11). Tajima fails to teach a mobile phone comprising a receiver for receiving messages via a mobile phone network. Sharp teaches the receiver for receiving messages transmitted via a mobile network (see col. 8, lines 1-24, col. 10, lines 57-67, col. 11, lines 1-13). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Sharp into the system of Tajima in order to provide a quick communication feature for the mobile users.

8. Claims 29, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tajima et al (US 6,526,284) in view of Sharp et al (US 6,526,284) further in view of Konisi et al (US 6,181,921).

As to claim 29, the combination of Tajima and Sharp fails to teach a method comprising the steps of assigning radio channel setting to different geographical areas, determining which geographical area the mobile phone is located and sending the

message to the mobile phone containing at least one radio channel setting assigned to the geographical area the mobile phone is located. Konisi teaches the steps of assigning radio channel setting to different geographical areas, determining which geographical area the mobile phone is located and sending the message to the mobile phone containing at least one radio channel setting assigned to the geographical area the mobile phone is located (see col. 9, lines 53-67, col. 10, lines 1-32). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Konisi into the system of Tajima and Sharp in order to inform users of the channel data of a broadcast station which may be received at the current position (as suggest by Konisi, see col. 2, lines 20-25).

As to claim 30, the claim is rejected as stated in claim 29.

9. Claims 33, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tajima et al (US 6,526,284) in view of Sharp et al (US 6,526,284) further in view Konisi et al (US 6,181,921), Williamson (US 2003/0083028) .

As to claims 33, 34, the combination of Tajima and Sharp fails to teach a method comprising the steps of assigning radio channel setting to different geographical areas, determining which geographical area the mobile phone is located and sending the message to the mobile phone containing at least one radio channel setting assigned to the geographical area the mobile phone is located. Konisi teaches the steps of assigning radio channel setting to different geographical areas, determining which geographical area the mobile phone is located and sending the message to the mobile phone containing at least one radio channel setting assigned to the geographical area

the mobile phone is located (see col. 9, lines 53-67, col. 10, lines 1-32). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Konisi into the system of Tajima and Sharp in order to inform users of the channel data of a broadcast station which may be received at the current position (as suggest by Konisi, see col. 2, lines 20-25). The combination of Tajima, Sharp and Konisi fails to teach a message requesting a radio station setting is sent to a server and a message containing the requested radio station setting is returned by the server, wherein a message requesting the radio station setting for geographic area a long a route is sent to a server and the message containing the requested radio station setting is returned by the server. Williamson teaches teach a message requesting a radio station setting is sent to a server and a message containing the requested radio station setting is returned by the server, wherein a message requesting the radio station setting for geographic area a long a route is sent to a server and the message containing the requested radio station setting is returned by the server (see paragraphs 0022-0023). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Williamson into the system of Tajima, Sharp and Konis in order to download the preset radio program form the server.

Response to Arguments

10. As to claim 18, Applicant argues that Tajima reference fails to disclose wherein the device with any capability of being used as two-way communication device. The examiner agrees with applicant. However, the combination of Tajima and Sharp teaches

the two-way communication device since the device in Sharp reference discloses this feature since the device is mobile device (see Abstract). Secondly, Applicant argues that Tajima reference fails to teach a mobile phone comprising a broadband AM and/or FM radio signal receiver or a radio channel memory for storing a plurality of radio channel settings of a broadband AM and/or FM radio station received in the messages with the receiver. The examiner disagrees. Since Tajima reference teaches a radio channel memory for storing a plurality of radio channel settings (see fig. 5, number 7; receiving data memory that stores the received information such as FM broadcast radiowaves; col. 4, lines 36-67 and col. 5, lines 1-13). Lastly, Applicant argues that there is motivation to combine the Tajima and Sharp references. The examiner disagrees. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Shrap teaches transmission of geographic information to mobile in which may be implement in public broadcast network, such as a Digital Audio Broadcasting network or Radio Data Service (see col. 5, lines 42-50; col. 11, lines 14-31).

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T. Le whose telephone number is 571-272-7892. The examiner can normally be reached on 08:00-05:00 (Mon-Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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